UNITED STATES PATENT AND TRADEMARK OFFICE

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09/998,367	11/29/2001	Jerry Lahti	552.121US01	6955

7590 03/09/2007 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425	**EXAMINER** PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/998,367	LAHTI, JERRY
	Examiner	Art Unit	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 December 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-50</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/06</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR
1.17(e), was filed in this application after final rejection. Since this application is eligible for continued
examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the
finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's
submission filed on 12/26/06 has been entered. Claims 1-50 remain pending.

2.   Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in
this office action may be found in previous office actions.

3.   Claims 1-8, 10-38, 40-42, 44-50 are rejected under 35 USC 103(a) as being unpatentable over
Publish dynamic application on the Web (using CGI to create dynamically updated pages), McClanahan,
D., Internet, Web, Online Service Information, Database Web Advisor, v 15, n4, April 1997, p. 60(1) in
view of Using XML to Develop Applications for WAP and WWW Environments, Honkala, M., Helsinki
Univ. of Tech., 2000 as further exemplified by Admitted prior art.

Regarding claim 1, McClanahan discloses a method for facilitating access to a network application, by
which the user can invoke an application using a URL having an embedded program name, the method
comprising,

        embedding an hypertext link into a web page or a button into a electronic form, the hyperlink or
button having an identifier corresponding to a network application and application server address, the web
page or form comprises the "provisioning" information provided to the user by a web server in a three-tier
client-server architecture (i.e. sending the web page to the user of a browser for execution thereon over a
network) (abstract and p. 2-3);

        provisioning the terminal where said browser resides (i.e. configuring a terminal to use a service
of the application) by enabling the user to invoke an application upon selecting said hypertext link or
button configuring the browser to send to request data (perhaps a dynamic web page) to the application
via the web server, i.e. configuring the browser to issue an action to use a service (e.g. a web page or
database information) of the application sending a message to the web server that initiates corresponding
processing in the application receiving result displayable by said browser (p. 2-3);

The embedded URL comprises the application name and the server address, <A HEF=ihttp://www.dmcclanahan.com/cgi-bin/getstatus.pli> and/or ACTION tag <FROM ACTION=ihttp://www.dmcclanahan.com/cgi-bin/add_customeri> when executed by the browser, causes the browser to issue a GET/POST command, send a URL, and data from the web page to the web server. The URL contains the reference to the CGI application program to be executed.

However, McClanahan does not explicitly disclose where the device that received the provisioning information comprises a mobile terminal.

Honkala discloses, transferring a HTML content (web page) containing to the client device over HTTP protocol from a web server (section 4.3, Fig. 17, p. 40-41, Fig. 10 web session in which browser is provided a form from a server, p. 27), the web server is further configured to deliver HTML content or the Web and WAP server software can reside on separate servers (p. 40), wherein the WAP environments include a content source server, a proxy or gateway and a WAP client, wherein the client is usually a mobile terminal, e.g. a handheld wireless device and wherein the origin server generates the requested content transmitted to the client over-the-air, the origin server can be a web server, where applications e.g. CGI can run on the origin server (p. 28, & Fig. 19, p.43); and

embedding hypertext link including an application identifier and a server address in web page (section 5.2.5 p. 79, section 3.1.2 URLs p. 24-25, server address and application name see p. 45).

According to the invention's background, current provisioning techniques have a scope that is limited to parameters required to establish basic network connectivity. The information is implicitly assumed to be applicable to all applications, and there is no means of associating parameter settings with a particular application [page 4, lines 15-19 or par 0009]. A standard WAP provisioning server currently includes parameters needed to establish basic network connectivity [see page 18, lines 1-2 or par 0040].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Honkala. One would be motivated to utilize the teachings of McClanahan whereby clicking on a link on a web page the user can start/invoke an application (e.g. a CGI application) by embedding the program name (i.e. application identifier) in the URL to obtain in real-time dynamic web page via said web server displayable to the user, given the suggestion for designing web base applications for wireless handheld devices due to the demand for wireless data communication rapidly growth, and the noted prediction indicating the these devices will exceed and/or replace the use of personal computers (p. 1) or desktops which traditionally access web applications (p. 2), as indicated by Honkala.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize network connectivity parameters as part of the provisioning procedure to facilitate access to the network application with e.g. access characteristics of the connection between the mobile terminal and the application server identified by the application server address using an associated application access parameters, e.g. path/socket identifiers and/or network connection channel characteristics e.g. the protocol the network access channel supports such as HTTP.

3.   Claims 1-8, 10-38, 40-42, 44-50 are rejected under 35 USC 103(a) as being unpatentable over Publish dynamic application on the Web (using CGI to create dynamically updated pages), McClanahan, D., Internet, Web, Online Service Information, Database Web Advisor, v 15, n4, April 1997, p. 60(1) in view of Using XML to Develop Applications for WAP and WWW Environments, Honkala, M., Helsinki Univ. of Tech., 2000.

Regarding claim 1, McClanahan discloses a method for facilitating access to a network application, by which the user can invoke an application using a URL having an embedded program name, the method comprising,

embedding an hypertext link into a web page or a button into a electronic form, the hyperlink or button having an identifier corresponding to a network application and application server address, the web page or form comprises the "provisioning" information provided to the user by a web server in a three-tier client-server architecture (i.e. sending the web page to the user of a browser for execution thereon over a network) (abstract and p. 2-3);

provisioning the terminal where said browser resides (i.e. configuring a terminal to use a service of the application) by enabling the user to invoke an application upon selecting said hypertext link or button configuring the browser to send to request data (perhaps a dynamic web page) to the application via the web server, i.e. configuring the browser to issue an action to use a service (e.g. a web page or database information) of the application sending a message to the web server that initiates corresponding processing in the application receiving result displayable by said browser (p. 2-3);

the provisioning procedure associated with establishing a network connection for the client terminal, e.g. connection related information, such as network path connection, address connection and protocol connection related information, such as

The embedded URL comprises the application name and the server address, <A HEF=ihttp://www.dmcclanahan.com/cgi-bin/getstatus.pli>   and/or   ACTION   tag   <FROM

ACTION=ihttp://www.dmcclanahan.com/cgi-bin/add_customeri> when executed by the browser, causes the browser to issue a GET/POST command, send a URL, and data from the web page to the web server. The URL contains the reference to the CGI application program to be executed.

However, McClanahan does not explicitly disclose where the device that received the provisioning information comprises a mobile terminal.

Honkala discloses, transferring a HTML content (web page) containing to the client device over HTTP protocol from a web server (section 4.3, Fig. 17, p. 40-41, Fig. 10 web session in which browser is provided a form from a server, p. 27), the web server is further configured to deliver HTML content or the Web and WAP server software can reside on separate servers (p. 40), wherein the WAP environments include a content source server, a proxy or gateway and a WAP client, wherein the client is usually a mobile terminal, e.g. a handheld wireless device and wherein the origin server generates the requested content transmitted to the client over-the-air, the origin server can be a web server, where applications e.g. CGI can run on the origin server (p. 28, & Fig. 19, p.43); and

embedding hypertext link including an application identifier and a server address in web page (section 5.2.5 p. 79, section 3.1.2 URLs p. 24-25, server address and application name see p. 45).

wherein associating network connectivity settings with the network application comprises associating with the network application proxy (gateway) parameter settings, e.g. path (Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form: http://<host>:<port>/<path>?<searchpart>, wherein the "WAP Gateway IP Address" field use the format "http://host ipaddress:port" to specify the proxy address), as discussed on claim 11;

wherein provisioning the mobile terminal to facilitate access to the network application further comprises identifying access characteristics of the connection between the mobile terminal and the application server identified by the application server address using an associated application access parameters (i.e. network connection channel characteristics e.g. the protocol the network access channel supports such as HTTP, Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form discussed above), as discussed on claim 12;

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Honkala. One would be motivated to utilize the teachings of McClanahan whereby clicking on a link on a web page the user can start/invoke an application (e.g. a CGI application) by embedding the program name (i.e. application identifier) in the URL to obtain in real-time dynamic web page via said web server displayable to the user, given the suggestion for designing web base applications for wireless handheld devices due to the demand for wireless data communication

rapidly growth, and the noted prediction indicating the these devices will exceed and/or replace the use of personal computers (p. 1) or desktops which traditionally access web applications (p. 2), as indicated by Honkala.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize network connectivity parameters as part of the provisioning procedure to facilitate access to the network application with e.g. access characteristics of the connection between the mobile terminal and the application server identified by the application server address using an associated application access parameters, e.g. path/socket identifiers and/or network connection channel characteristics e.g. the protocol the network access channel supports such as HTTP.

Regarding claims 2-5, the user agent (i.e. a browser) on the user device is configured to execute the URL and associated embedded commands associated with a received web page and sending a request to the CGI application via the web server (McClanahan: p. 1-2); and wherein the embedded link comprises the program/application name and the server address is used to access the network application (McClanahan: p. 1-2).

Regarding claims 6-8, WAP defines the set of standard component that enable communication between mobile terminals and network servers, including standard naming model, i.e. content/applications are named and identified with URLs, including communication using PUSH services (Honkala: p. 29) WAP redefines HTTP as the Wireless Session Protocol (WSP) with lots of added features, e.g., Push (Honkala: p. 30); *Origin/source server* produces content in standard formats in response to request from the client, this server can be a web server, where CGI applications can be run on the origin server (Honkala: p. 28); wherein a mobile terminal, e.g. a handheld wireless device running a micro browser supporting WML and wherein the origin server generates the requested content transmitted to the client over-the-air, the origin server can be a web server, where applications e.g. CGI can run on the origin server (Honkala: p. 28, & Fig. 19, p. 43)

4.   Claims 9 and 43 are rejected under 35 USC 103(a) as being unpatentable over McClanahan, D. in view of Honkala, M. in further view of Malte Borcherding (referred to as Borcherding hereafter).

Regarding claims 9 and 43, although Honkala indicated that WAP application needs very high level of security must be able to use WAP server as the application host, explicitly suggesting where this must be

provided for in the framework (p. 39), he does not explicitly teach configuring the mobile terminal with a component comprises electrically coupling one of a Subscriber Identity Module (SIM).

Borcherding teaches configuring a mobile terminal with a SIM toolkit because for implementing application-specific end-to-end security. One would be motivated to utilize Borcherding's teachings because in doing so user making carry out sensitive business transaction such a banking or brokerage transaction with his/her mobile terminal, as suggested by Borcherding.

Regarding claim 10, associating network connectivity settings defined by the HTTP based URL and/or hyperlink with the network application to be accessed via the application server identified by the application server address (McClanahan: p. 1-3).

Regarding claim 11, wherein associating network connectivity settings with the network application comprises associating with the network application proxy (gateway) parameter settings, e.g. path (Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form: http://<host>:<port>/<path>?<searchpart>, wherein the "WAP Gateway IP Address" field use the format "http://host ipaddress:port" to specify the proxy address)

Regarding claim 12, wherein provisioning the mobile terminal to facilitate access to the network application further comprises identifying access characteristics of the connection between the mobile terminal and the application server identified by the application server address using an associated application access parameters (i.e. network connection channel characteristics e.g. the protocol the network access channel supports such as HTTP, Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form discussed above).

Regarding claim 13, wherein the associated application access parameters comprise content types preferred/required by the application server, and content types (e.g. HTML WML) required by the application server (Honkala: p. 45).

Regarding claim 14, wherein the associated application access parameters comprise information used to download an application access browser (i.e. user agent) which enables use of the network application e.g. displays associated obtained content (Honkala: Fig. 11 on p. 29)

Regarding claim 15, invoking a resident user agent within the mobile terminal using the information, wherein the resident user agent effects the download of the application access user agent in response thereto (McClanahan: user clicking or selection on page or form p. 1-2).

Regarding claim 16, downloading the application access user agent to the mobile terminal; and accessing the network application via the application server corresponding to the application server address using the application access user agent (Honkala: Fig. 10 on p. 27)

Regarding claims 17-18, configuring the downloaded application access user agent to recognize the application identifier if the downloaded application access user agent is not pre-configured to recognize the application identifier in order to identify the application server address (Honkala: browser's that are not configured to read a particular content format are configured with plug-ins to configure/enable the browser to render (recognize and execute in order to render) corresponding content format, section 4.7.2 on p. 56)

Regarding claim 19, wherein the associated application access parameters comprise one or more of an identification of an access protocol (e.g. HTTP) to communicate with the network application (Honkala: (Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL) and a version of the HTTP access protocol (Honkala: section 3.1.1 on page 24)

Regarding claim 20, wherein the associated application access parameters comprise a specification of application resources (e.g. name/port number) available on the network application hosted by the application server identified by the application server address (McClanahan as discussed on claim 1 or Honkala: section 5.2.5 p. 79, section 3.1.2 URLs p. 24-25, server address and application name see p. 45).

Regarding claim 21, wherein the associated application access parameters further comprise a "human-readable" label for the application resources available on the network application (Honkala: section 5.2.5 p. 79, section 3.1.2 URLs p. 24-25, server address and application name see p. 45).

Regarding claim 22, wherein embedding the application identifier and associated application access parameters into provisioning information comprises embedding the application identifier and associated application access parameters into one XML provisioning *documents* and encoded forms of the XML provisioning documents (Honkala: app_name.xml on p. 45).

Regarding claim 23,. wherein embedding the application identifier and associated application access parameters into provisioning information comprises embedding the application identifier and associated application access parameters into a provisioning information payload of provisioning information packets (Honkala: networks transport data in small packets on the Internet known as bytes, each <u>bytes</u> carries the sender's/destination IP address and the data (payload) in the protocols that the Internet uses: TCP/IP on p. VI).

Regarding claim 24, wherein the application identifier defined by "WAP Push" specifications (Honkala: p. 29).

Regarding claims 25-26, the application identifier comprises an Internet registered port number and an URI pre-configured at the mobile terminal used thereby for e.g. sending a request and the plurality of application servers to identify the network application (Honkala: p. 24).

Regarding claim 27, wherein the network application comprises a "standardized" application available on each of the plurality of the application servers (Honkala: app_name.xml on p. 45)

Regarding claims 28-30, although a bootstrapping process is not explicitly disclosed in the above-mentioned prior art.

<u>Official Notice</u> (*see MPEP § 2144.03 Reliance on "Well Known" Prior Art*) is taken that the communication associated with bootstrap process via which an application identifier and the associated application access parameters upon initial configuration of the mobile terminal, where the application identifier is associated with a server, e.g. an Internet Service Provider or equivalents for providing client with respective service provided thereon was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include said bootstrapping process for receiving said services. Typically involving as readily recognized by one of ordinary skill in the art for as including inter alia, the bootstrap loader program running on the client preinstalled with an URL or configured to request on with a predetermined service provide to receive a URL representing an initial configuration file, e.g. the URL may be: http://webserver/jdt/props/selector.init, including a server's name "webserver" which refers to an HTTP server, the file <selector.init> is used to rendezvous with the HTTP server where a set of properties lists are installed, include file location, where selector comprises access parameters for establishing an HTTP connection to that server, and loads the properties

files and where "properties" refers broadly to application program identifiers such as attributes parameters, preferences, and environmental variables, e.g., any aspect of an application program that an end user may configure or adjust. It would have been obvious to one of ordinary skill to include this bootstrapping process which typically or because in doing so this minimizes user intervention and require less knowledge from the user for dynamically configuring user client device to receive associated services (see pertinent prior art).

Regarding claim 31, wherein the application server address comprises one of a network address and a hostname of the application server to be accessed by the mobile terminal (Honkala: section 3.1.2 on p. 24)

Regarding claim 32, wherein the application server address comprises a Uniform Resource Locator (URL) hosted on of the application server to be accessed by the mobile terminal and where the URL comprises a path in addition to the application server address (Honkala: section 3.1.2 on p. 24)

Regarding claim 34, this system comprises limitations substantially the same as the method of claim 1, where the network application of the method claim is denoted in this system claim target application, where the provisioning information is denoted provisioning file in the system claim, same rationale of rejection is applicable.

Regarding claims 35-36, provisioning files via pull technology and push technology (Honkala: section 3.1 on p. 23.

Regarding claim 37, wherein the mobile terminal comprises a Wireless Application Protocol (WAP)-compliant device (Honkala: Fig. 17 on p. 41)

Regarding claim 38, further comprising a push proxy gateway (PPG) coupled between a first network domain in which the provisioning server operates and a WAP network domain in which the WAP-compliant device operates (Honkala: Fig. 17 on p. 41).

5.   Claim 39 is rejected under 35 USC 103(a) as being unpatentable over McClanahan, D. in view of Honkala, M. in further view of WAP Push OTA Protocol, version Nov 08, 1999 (referred to as WAP Push hereafter).

Regarding claim 39, although Honkala teaches the use of a push proxy gateway (PPG) coupled between a first network domain in which the provisioning server operates and a WAP network, providing files via push technology he does not explicitly teach WAP Push disclosed the use WAP Push specifications.

WAP Push teaches the application identifier comprises an Application Identifier (ID) defined by WAP Push specifications (p. 9-10) requiring a connection-oriented push session to be established with two registered application identifier, e.g. ports before the push content can be delivered.

It would have been obvious to one of ordinary skilled at the time the invention was made given the suggestion of the applied reference mentioned above to include the teachings on WAP push because in doing so said push connection-oriented session can be shared among multiple client applications.

Regarding claims 40-41, these claims are substantially the same as the method claims 25-26 discussed above, same rationale of rejection is applicable.

Regarding claims 42-43, these claims are substantially the same as the method claims 8-9, same rationale of rejection is applicable.

Regarding claim 44, wherein the mobile terminal comprises a wireless telephone (Honkala: p. 28, & Fig. 19, p.43).

Regarding claim 45, substantially the same as claims 17-18 discussed above, same rationale of rejection is applicable.

Regarding claim 46, this apparatus "network element" claim comprises limitations substantially the same as the method of claim 1, where the network application of the method claim is denoted in this apparatus claim standardize network application, where the provisioning information is denoted being a data signal embodied in a carrier wave readable encoding the provisioning information, same rationale of rejection is applicable.

Regarding claim 47, this computer-readable medium having computer-executable instructions comprises the computer-executable instruction for performing substantially the same steps/functions discussed on the method claim 1, same rationale of rejection is applicable.

Regarding claim 48, this apparatus claim comprises the modules/software residing on the respective providers, servers and recipient (client/server) performing the functions/steps discussed on the method claim 1, same rationale of rejection is applicable.

Regarding claim 49 this apparatus claim comprises the memory/interface residing on the respective providers, servers and recipient (client/server) performing the functions/steps discussed on the method claim 1, same rationale of rejection is applicable.

Regarding claim 50, this claim is substantially the same as claim 43, same rationale of rejection is applicable.

Response to Arguments

6.   Regarding claims 1-8, 10-38, 40-42 and 44-50, it is argued (p. 10-11), that the applied reference(s) do not teach embedding an application server address of one of a plurality of applications server into provisioning information.

In response to the above-mentioned argument, applicant's interpretation of the applied reference(s) has been fully considered. The claimed terms have been applied the broadest reasonable interpretation inlight of the written disclosure of the invention, namely, the claimed terms "network application", "application servers", "application identifier" and "provisioning information". Claimed terms are presumed to have the ordinary and customary meanings attributed to them by those of ordinary skill in the art. Sunrace Roots Enter. Co. v. SRAM Corp., 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc., 334 F.3d 1294, 1298, 67 USPQ2d 1132, 1136 (Fed. Cir. 2003).

An applicant is entitled to be his or her own lexicographer (e.g. "network application", "application servers", "application identifier", "provisioning server", "provisioning information" and "basic network connectivity") and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning. See In re Paulsen, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) and Vitronics Corp. v. Conceptronic Inc., 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1576 (Fed. Cir. 1996). (see MPEP 2106). An inventor may define specific terms used to describe invention, but must do so "*with reasonable clarity, deliberateness, and precision*" and, if done, must "set out his uncommon definition in some manner within the patent disclosure' so as to give one of ordinary skill in the art notice

of the change" in meaning (see MPEP 2111.01(III)). However, in absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.

In this case, the claimed terms: "network application", "application servers", "application identifier", "provisioning information" and "basic network connectivity" has been applied the broadest reasonable interpretation inlight of the specification. Written description of instant application reads:

According to the invention's background, current provisioning techniques have a scope that is limited to parameters required to establish basic network connectivity. The information is implicitly assumed to be applicable to all applications, and there is no means of associating parameter settings with a particular application [page 4, lines 15-19 or par 0009]. A standard WAP provisioning server currently includes parameters needed to establish basic network connectivity [see page 18, lines 1-2 or par 0040].

The applied reference, namely, Honala teaches associating network connectivity settings with the network application comprises associating with the network application proxy (gateway) parameter settings, e.g. path (Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form: http://<host>:<port>/<path>?<searchpart>, wherein the "WAP Gateway IP Address" field use the format "http://host ipaddress:port" to specify the proxy address), as discussed on claim 11;

wherein provisioning the mobile terminal to facilitate access to the network application further comprises identifying access characteristics of the connection between the mobile terminal and the application server identified by the application server address using an associated application access parameters (i.e. network connection channel characteristics e.g. the protocol the network access channel supports such as HTTP, Honkala: Fig. 11 on p. 29, Fig. 17 on p. 41, wherein an HTTP URL has the form discussed above), as discussed on claim 12.

Arguments that the applied references do not teach that the provisioning procedure is associated with establishing basic network connectivity for the mobile terminal (e.g. any information associated with establishing a network connections, e.g. addresses, identifiers, sockets identifiers, path identifiers, channel identifiers, link identifiers, connection characteristic, access parameters/requirement, packet size, acknowledgment intervals, the protocol to support the connection, modem setting, speed settings, handshake procedures, etc., any information somehow related with establishing a network connection is provided in the transferred provisioning information. are not persuasive.

8.   Applicant seems to have challenged and/or traverse the assertion of official notice to claims 28-30 setforth on office action mailed 2/01/06, requesting support and/or adequate evidence to said official

notice. However, applicant is allowed to challenge the assertion in *the next reply after the Office action* in which the common knowledge statement was made (see MPEP 2144.03). Hence, the traverse to the assertion of official notice to claims 28-30 setforth on office action mailed 2/01/06 is inadequate.

9.   Applicant's attention is directed to IDS filed 3/05/02:

WAP Provisioning Architecture Overview, Wireless Application Protocol WAP-182-ProvArch-·20010314-a, version March 14 2001 (p. 1-22):

Citation of Pertinent Art:

10.   The following prior art made of record and considered pertinent to applicant's disclosure. Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP§ 707.05(a):

Ref A: US 6,275,693 Method/apparatus for performing bearer independent wireless application service provisioning

Figure 2 recaps the method of provisioning wireless application service, namely for provisioning wireless application service for a wireless mobile communication device, in accordance with the invention. At the start (202), the mobile communication device is powered up by the user, and the user desires to connect to a network in order to, for example, check email or browse files available on the network. If the mobile communication device is not registered for wireless service, the first step is *registering* for wireless service (204), which is done conventionally, and is a well known process. Once the mobile communication device is registered for wireless service, the mobile communication device contacts the provisioning proxy (206) over the wireless communication system and *requests a tunnel* to the provisioning center. The provisioning proxy then contacts the HLR (208) to *obtain the address of the*

appropriate provisioning center. This is performed by reading the service-provisioning block of the HLR, which is a data field included in the HLR record for the particular mobile communication device making the request, and is in addition to the typical data kept in an HLR. Once the provisioning proxy has the information from the HLR, the provisioning proxy contacts the provisioning center (210) using the temporary tunnel identifier (ID) to identify the requesting mobile communication device. The provisioning center, upon receiving the request, assigns a *unique tunnel identifier* (212) to identify the requesting mobile communication device, and *initiates a tunnel* between the mobile communication device and the provisioning center. This accomplishes the *bootstrapping for wireless network access.* Once the tunnel is established (214) between the provisioning center and the mobile communication device, *service can be provisioned,* and the mobile communication device can subscribe to or unsubscribe from services the network access provider offers. For example, *using the WAP specification,* the WAP service set may be negotiated between the mobile communication device and the provisioning center, and the subscriber is billed accordingly. A WAP service set consists of subscription features such as email, Personal Information Management (PIM), chat, news alert, stock alert, location dependent information such as weather forecast, etc. In addition to the provisioning of service, the provisioning center *provides the network address* of the wireless network access gateway. The security for *provisioning can be accomplished using conventional bearer or network security, and is preferably similar to internet secure socket layer or WAP security protocol known as Wireless Transport Layer Security (WTLS).*

Bootstrapping process involving the initial configuration of mobile terminals and their identifiers/access parameters are obvious to one of ordinary skill at the time the invention was made.

Ref B: Provisioning Bootstrap, Wireless Application Protocol, WAP-184-ProvBoot-20010314-a, p. 1-24

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Hand carried or delivered to:
Customer Service Window located at the Randolph Bldg.
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Alexandria, VA 22314

Faxed to the Central Fax Office:
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March 6, 2007

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